

# **EXHIBIT 5**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SLY MAGAZINE, LLC,

Plaintiff,

vs.

05 CV 3940 (RCC)

WEIDER PUBLICATIONS L.L.C.  
AND AMERICAN MEDIA, INC.,  
Defendants.

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CONTINUED DEPOSITION OF JASON GERDES  
New York, New York  
Wednesday, January 11, 2006

Reported by:  
WENDY D. BOSKIND, RPR  
JOB NO. 180842 A

1 Gerdes

2 the people are purchasing, they are  
3 not purchasing a subscription for  
4 issue two which is on-line. Now, I  
5 want you to get this from the  
6 witness, I want to give you a little  
7 bit of a lead-in as to what his  
8 problem is.

9 MS. KOHLMANN: Well, the  
10 transcript is going to speak for  
11 itself.

12 MR. BOSTANY: Absolutely,  
13 absolutely. All of the answers so  
14 far, in my mind, are very consistent  
15 and clear, but I just want to help  
16 you out. I don't want to say too  
17 much. And if you want to go outside  
18 of the presence of the witness, I  
19 would be more comfortable, because I  
20 don't want to be saying anything in  
21 front of the witness that might be  
22 improper.

23 Q. Mr. Gerdes, are there currently  
24 any printed issues of the magazine?

25 **A. I don't believe so.**

1 **Gerdes**

2 **Monday, currently on-line issues are**  
3 **available for free.**

4 Q. And currently no print versions  
5 are available; isn't that correct?

6 MR. BOSTANY: Objection, asked  
7 and answered.

8 **A. There is not a printed issue.**

9 Q. And the first printed issue is  
10 scheduled to come out in July of 2006;  
11 isn't that correct?

12 MR. BOSTANY: Objection, asked  
13 and answered.

14 **A. As I stated I think Monday, that**  
15 **was the on-sale date, on or about July**  
16 **15th, 2006.**

17 Q. How long has that been the on-  
18 sale date?

19 **A. I don't recall.**

20 Q. Did you ever plan for the print  
21 version to come out earlier than July  
22 15th, 2006?

23 **A. I don't recall.**

24 Q. Who would know the answer to  
25 that question?